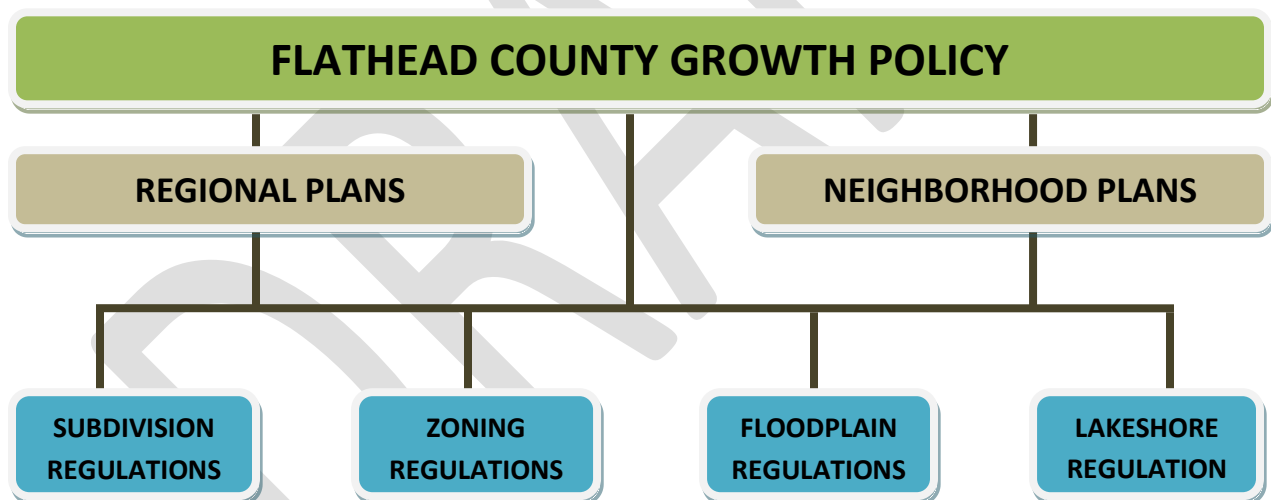


PART 3: User's Manual

The Growth Policy is a comprehensive planning document for all of Flathead County, excepting the incorporated areas of Kalispell, Whitefish and Columbia Falls and their respective interlocal areas. The document, developed in conformance with statutory requirements set forth in Title 76, Chapter 1, Part 6 of the Montana Code Annotated. Like any comprehensive planning document, the Growth Policy is a living document that provides a tangible representation of what Flathead County is today, and what Flathead County wants to be in the future. As such, the Growth Policy is *not* a regulatory document (pursuant to Section 76-1-605). It does, however, provide a foundation upon which future regulations can be based; regulatory documents such as subdivision regulations or zoning are a means of implementing the goals, policies and general guidance outlined in the Growth Policy, and can be found in Appendix C. Rework to make clearer – implementation strategies, not ‘part’ of GP document.

The intent of this User's Manual is to help readers of the Flathead County Growth Policy better understand what the document can and cannot do, and its relationship to other non-regulatory plans (provide definition of plan, regulation) and regulations. Plans are inherently non-regulatory; regulations are regulatory. It's easiest to visualize the Growth Policy as an “umbrella” document, providing guidance to other plans and regulations administered by the County.

Code this – blue = regulatory, green/tan = guidance



Add specific regional plans

Dotted lines to lake and lakeshore, floodplain regs (not directly linked)

Under the Growth Policy's umbrella are two non-regulatory extensions of the document; regional and neighborhood plans. In Flathead County, regional plans tend to focus on a specific planning issue, such as parks or transportation, providing a higher level of analysis and guidance for future land use and development decisions based on the particular topic. Similarly, neighborhood plans look at smaller geographical areas within the County, allowing community members to develop a more detailed vision for their neighborhood, based upon the broader principles identified within the Growth Policy. Neighborhood plans are addressed specifically under Chapter 10 of the Growth Policy; regional plans are discussed throughout the document as appropriate, as an implementation tool for policies related to transportation, economics, parks and recreation.

As previously stated, the Growth Policy as a stand-alone document is *non-regulatory* and does not “confer any authority to regulate that is not otherwise specifically authorized by law or regulations adopted pursuant to the law” [M.C.A. Section 76-1-605(2)(a) and (b)]. In other words, the Growth Policy may inform or provide the basis upon which regulatory documents (such as the subdivision regulations or zoning) are created and/or updated, but cannot regulate land use or be used as the sole basis upon which to approve or deny a land use or subdivision application. Consequently, land use applications are reviewed for their compliance with the following regulatory documents.

Discuss history of case law re: GP (“consideration”) vs. what is stated in statute. Can’t ignore GP during sub review – add footnote of cae or two, not lengthy legal discussion

Regulatory components of the Growth Policy include the following documents:

Clarify the relationship between the GP and the regulations; regulations should be compliant with the GP, therefor land use applications that comply with the regulations comply with the GP.

Flathead County Subdivision Regulations [\(direct link/color\)](#)

Pursuant to Section 76-1-606 M.C.A, subdivision regulations adopted pursuant to Title 76, Chapter 3 must be made in accordance with the Growth Policy. The current Flathead County Subdivision Regulations were adopted following this provision and in conformance with the Growth Policy. They are intended to provide standards and procedures for the review of subdivision and other land division applications within the County. Subdivision applications are reviewed for conformance with the Growth Policy; however, since the subdivision regulations themselves are an implementation of the goals and policies established by the document, if a proposed development complies with the review criteria and provisions of the subdivision regulations themselves, it is inherently compliant with the Growth Policy.

Expand this section a little more to further explain how goals and policies may/may not be reviewed as part of a subdivision evaluation.

Flathead County Zoning Regulations [\(direct link/color\)](#)

The creation of new zoning districts, as well as amendments to existing zoning maps or text, requires compliance with the Growth Policy and/or applicable neighborhood plans. Section 76-2-203(1)(a) M.C.A. specifically states that zoning regulations *must* be made in accordance with the growth policy, as part of the required review criteria for any zoning request. The Growth Policy provides the foundation upon which zoning can be based, pursuant to Section 76-2-201 M.C.A.; in addition to goals and policies made for the purpose of promoting public health, safety, morals and general welfare, the Growth Policy designates appropriate land uses for areas of the County, upon which new zoning (or amendments to existing zoning) can be based.

Flathead County Floodplain Regulations

The County Floodplain Regulations are a set of land-use regulations that apply very specifically to the 100-year floodplain identified by the FEMA Flood Insurance Rate Maps. These regulations are an implementation tool identified within Appendix C of the Growth Policy, to ensure public health and safety with regard to potential development, as well as preserve water quality and the natural riparian resources available to the residents of Flathead County. The document is a component of Title 76, Chapter 5 regarding Flood Plain and Floodway Management. Mandated by a higher authority; consequence of NOT having floodplain regulations. What floodplain regulations do for the County, NFIP administration.

Flathead County Lake & Lakeshore Protection Regulations

Although not specified as a component of Title 76 M.C.A., the Lake and Lakeshore Protection Regulations are identified within the Flathead County Growth Policy as an implementation tool, serving to promote public health and safety, maintain water quality and preserve public water bodies and natural resources available the citizens of Flathead County. This document was adopted under the authority of Section 75-7-207 M.C.A., and regulates development activities within 20 horizontal feet of the perimeter of designated lakes (designated the Lakeshore Protection Zone).

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